S.B.CIVIL WRIT PETITION NO.3793/2005
(Sukhdev Singh Vs. State of Raj. & Ors.)

Date of order : 20.11.2007

HON'BLE DR. JUSTICE VINEET KOTHARI

Mr.G.J.Gupta, for the petitioner.
Mr. O.P.Boob, Addl.G.A.

1. Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner on the ground that his objections against recovery of the agricultural loan have not been decided by the prescribed authority that is the Tehsildar (Sri Karan pur Distt. Sri Ganganagar.

3. Learned counsel for the respondent-Bank however submits that the petitioner has not complied with the terms and conditions of the interim order passed by this Court on 6.7.2005 which is quoted below:-

> "In case the petitioner deposits Rs. 50,000/- to the respondent No. 3 Bank within 15 days from today and thereafter, 50% of the remaining amount of the total due within two months thereafter, then the property sought to be attached and auctioned shall not be attached and auctioned."

4. In view of the aforesaid position and looking to the tenor of the writ petition, this Court is disposing of this writ petition with the following direction that the petitioner should firstly comply with the terms and conditions of the interim order passed by this Court on 6.7.2005 quoted above.

5. As stated by the learned counsel for the petitioner the sum of Rs. 50,000/- as directed by this Court was deposited by the petitioner. If the same has been deposited , the other part of the condition of the said order that 50% of the remaining amount of the total due will also be deposited, may now be complied with within a period of one month from today.

6. If both the conditions stipulated in the aforesaid interim order are complied with by the petitioner, the petitioner may appear before the prescribed authority on 7.01.2008 in the first instance and thereafter it is expected that the said prescribed authority shall decide the objections of the petitioner after hearing the petitioner as well as the respondent No. 3-Bank. The said prescribed authority shall pass appropriate order while deciding the objections of the petitioner within a period of three months, that is on or before 31.03.2008.

7. The prescribed authority shall also take into account the judgments of this Court of Division Bench in ***Prem Chand***

Vs. Prescribed authority in D.B.Civil Special Appeal (Writ) No. 104/2007 decided on 26.09.2007 and earlier decision in ***Bhainron Vs. State of Rajasthan*** 1988 (2) RLR page No. 512 and ***Chat Ram Vs. Prescribed authority*** (2005 (1) CDR 166) while deciding the aforesaid objections.

8. Thereafter, the recovery of the loan shall proceed in accordance with law and in terms of the decision of the prescribed authority.

9. With the aforesaid observations this writ petition is disposed of. No order as to costs.

(**DR.VINEET KOTHARI), J.**

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